

AN ACT

relating to the creation of the Valencia Municipal Management District No. 1; providing authority to levy an assessment and issue bonds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3868 to read as follows:

CHAPTER 3868. VALENCIA MUNICIPAL MANAGEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3868.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "County" means Denton County, Texas.

(3) "Development agreement" means the "Valencia on the Lake Pre-Annexation Agreement, Development Agreement, Public Improvement District Agreement and Tax Increment Reinvestment Zone Agreement," effective December 16, 2008, as recorded on January 5, 2009, in the real property records of Denton County, Texas, as Instrument Number 2009-499, as amended by the "First Amendment to the Valencia on the Lake Pre-Annexation Agreement, Development Agreement, Public Improvement District Agreement and Tax Increment Reinvestment Zone Agreement," effective December 1, 2009, as recorded on January 12, 2010, in the real property records of Denton County, Texas, as Instrument Number 2010-2983, between the town and Valencia on the Lake, L.P., a Texas limited partnership, as may be

1 amended.

2 (4) "Director" means a board member.

3 (5) "District" means the Valencia Municipal
4 Management District No. 1.

5 (6) "Town" means the Town of Little Elm, Texas.

6 Sec. 3868.002. CREATION AND NATURE OF DISTRICT. The
7 district is a special district created under Sections 52 and 52-a,
8 Article III, and Section 59, Article XVI, Texas Constitution.

9 Sec. 3868.003. PURPOSE; LEGISLATIVE FINDINGS. (a) The
10 creation of the district is essential to accomplish the purposes of
11 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
12 Texas Constitution, and other public purposes stated in this
13 chapter. By creating the district and in authorizing the town and
14 other political subdivisions to contract with the district, the
15 legislature has established a program to accomplish the public
16 purposes set out in Section 52-a, Article III, Texas Constitution.

17 (b) The creation of the district is necessary to promote,
18 develop, encourage, and maintain employment, commerce,
19 transportation, housing, tourism, recreation, the arts,
20 entertainment, economic development, safety, and the public
21 welfare in the district.

22 (c) This chapter and the creation of the district may not be
23 interpreted to relieve the town or county from providing the level
24 of services provided to the area in the district as of the effective
25 date of the Act enacting this chapter. The district is created to
26 supplement and not to supplant the town and county services
27 provided in the district.

1 Sec. 3868.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)

2 The district is created to serve a public use and benefit.

3 (b) All land and other property included in the district
4 will benefit from the improvements and services to be provided by
5 the district under powers conferred by Sections 52 and 52-a,
6 Article III, and Section 59, Article XVI, Texas Constitution, and
7 other powers granted under this chapter.

8 (c) The district is created to accomplish the purposes of a
9 municipal management district as provided by general law and
10 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
11 Texas Constitution.

12 (d) The creation of the district is in the public interest
13 and is essential to:

14 (1) further the public purposes of developing and
15 diversifying the economy of the state;

16 (2) eliminate unemployment and underemployment; and

17 (3) develop or expand transportation and commerce.

18 (e) The district will:

19 (1) promote the health, safety, and general welfare of
20 residents, employers, potential employees, employees, visitors,
21 and consumers in the district, and of the public;

22 (2) provide needed funding for the district to
23 preserve, maintain, and enhance the economic health and vitality of
24 the district territory as a community and business center; and

25 (3) promote the health, safety, welfare, and enjoyment
26 of the public by providing pedestrian ways and by landscaping and
27 developing certain areas in the district, which are necessary for

1 the restoration, preservation, and enhancement of scenic beauty.

2 (f) Pedestrian ways along or across a street, whether at
3 grade or above or below the surface, and street lighting, street
4 landscaping, parking, and street art objects are parts of and
5 necessary components of a street and are considered to be a street
6 or road improvement.

7 (g) The district will not act as the agent or
8 instrumentality of any private interest even though the district
9 will benefit many private interests as well as the public.

10 Sec. 3868.005. DISTRICT TERRITORY. (a) The district is
11 composed of the territory described by Section 2 of the Act enacting
12 this chapter, as that territory may have been modified under
13 Section 3868.113 or other law.

14 (b) The boundaries and field notes contained in Section 2 of
15 the Act enacting this chapter form a closure. A mistake in the
16 field notes or in copying the field notes in the legislative process
17 does not affect the district's:

18 (1) organization, existence, or validity;

19 (2) right to contract;

20 (3) authority to borrow money or issue bonds or other
21 obligations described by Section 3868.201 or to pay the principal
22 and interest of the bonds or other obligations;

23 (4) right to impose or collect an assessment, or
24 collect other revenue; or

25 (5) legality or operation.

26 Sec. 3868.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

27 (a) All or any part of the area of the district is eligible to be

1 included in:

2 (1) a tax increment reinvestment zone created under
3 Chapter 311, Tax Code;

4 (2) a tax abatement reinvestment zone created under
5 Chapter 312, Tax Code;

6 (3) an enterprise zone created under Chapter 2303,
7 Government Code; or

8 (4) an industrial district created under Chapter 42,
9 Local Government Code.

10 (b) If the town creates a tax increment reinvestment zone
11 described by Subsection (a), the town and the board of directors of
12 the zone, by contract with the district, may grant money deposited
13 in the tax increment fund to the district to be used by the district
14 for:

15 (1) the purposes permitted for money granted to a
16 corporation under Section 380.002(b), Local Government Code; and

17 (2) any other district purpose, including the right to
18 pledge the money as security for any bonds issued by the district
19 under Section 3868.201.

20 (c) A tax increment reinvestment zone created by the town in
21 the district is not subject to the limitations provided by Section
22 311.006, Tax Code.

23 Sec. 3868.007. LIBERAL CONSTRUCTION OF CHAPTER. This
24 chapter shall be liberally construed in conformity with the
25 findings and purposes stated in this chapter.

26 [Sections 3868.008-3868.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3868.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of three directors composed of:

(1) one director appointed by the governing body of the town who meets the qualifications prescribed by Section 3868.052(a);

(2) the town manager; and

(3) the finance director of the town.

(b) An appointed director serves a term of four years.

Sec. 3868.052. QUALIFICATIONS OF APPOINTED DIRECTOR. (a) To be qualified to serve as an appointed director under Section 3868.051(a)(1), a person must:

(1) meet the qualifications of Section 375.063, Local Government Code;

(2) be a partner of a partnership that owns property in the district;

(3) be an officer of a corporation that owns property in the district;

(4) be a member or officer of a limited liability company that owns property in the district; or

(5) be a member or officer of a limited liability company that is a partner of a partnership that owns property in the district.

(b) Section 49.052, Water Code, does not apply to the district.

Sec. 3868.053. COMPLETE DISCRETION OF TOWN REGARDING APPOINTMENT OF DIRECTOR. The governing body of the town may refuse

1 to appoint a person who is nominated to be a director and meets the
2 qualifications prescribed by Section 3868.052(a). The governing
3 body has complete discretion in the appointment of a director.

4 Sec. 3868.054. VACANCY. (a) The remaining directors shall
5 fill a vacancy on the board by appointing a person who meets the
6 qualifications prescribed by Section 3868.052(a).

7 (b) If there are fewer than three directors, the governing
8 body of the town shall appoint the necessary number of directors to
9 fill all board vacancies.

10 Sec. 3868.055. DIRECTOR'S OATH OR AFFIRMATION. A director
11 shall file the director's oath or affirmation of office with the
12 district, and the district shall retain the oath or affirmation in
13 the district records.

14 Sec. 3868.056. OFFICERS. The board shall elect from among
15 the directors a chair, a vice chair, and a secretary.

16 Sec. 3868.057. COMPENSATION; EXPENSES. (a) The district
17 may compensate each director in an amount not to exceed \$150 for
18 each board meeting. The total amount of compensation a director may
19 receive each year may not exceed \$6,000. A director who is an
20 employee of the town may not receive compensation under this
21 subsection.

22 (b) A director is entitled to reimbursement for necessary
23 and reasonable expenses incurred in carrying out the duties and
24 responsibilities of a director.

25 Sec. 3868.058. LIABILITY INSURANCE. The district may
26 obtain and pay for comprehensive general liability insurance
27 coverage from commercial insurance companies or other sources that

protect and insure the directors against personal liability and from all claims for actions taken as directors or actions and activities taken by the district or by others acting on its behalf.

Sec. 3868.059. INITIAL DIRECTORS. (a) The initial board consists of the following directors:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>Ivan Langford, Town Manager</u>
<u>2</u>	<u>Alan Dickerson, Town Finance Director</u>
<u>3</u>	<u>Ross Calhoun</u>

(b) Of the initial directors, the term of the director appointed for position 3 expires May 31, 2014.

(c) This section expires September 1, 2014.

[Sections 3868.060-3868.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3868.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3868.102. IMPROVEMENT PROJECTS. The district may provide, or it may enter into contracts with a governmental or private entity to provide, the improvement projects described by Subchapter C-1 or activities in support of or incidental to those projects.

Sec. 3868.103. WATER DISTRICT POWERS. The district has the powers provided by the general laws relating to conservation and reclamation districts created under Section 59, Article XVI, Texas Constitution, including Chapters 49 and 54, Water Code.

Sec. 3868.104. ROAD DISTRICT POWERS. The district has the

powers provided by the general laws relating to road districts and road utility districts created under Section 52(b), Article III, Texas Constitution, including Chapter 441, Transportation Code.

Sec. 3868.105. PUBLIC IMPROVEMENT DISTRICT POWERS. The district has the powers provided by Chapter 372, Local Government Code, to a municipality or county.

Sec. 3868.106. MUNICIPAL MANAGEMENT DISTRICT POWERS. The district has the powers provided by Chapter 375, Local Government Code.

Sec. 3868.107. CONTRACT POWERS. The district may contract with a governmental or private entity, on terms determined by the board, to carry out a power or duty authorized by this chapter or to accomplish a purpose for which the district is created.

Sec. 3868.108. DEVELOPMENT CORPORATION POWERS. The district, using money available to the district, may exercise the powers given to a development corporation under Chapter 505, Local Government Code, including the power to own, operate, acquire, construct, lease, improve, or maintain a project under that chapter.

Sec. 3868.109. NONPROFIT CORPORATION. (a) The board by resolution may authorize the creation of a nonprofit corporation to assist and act for the district in implementing a project or providing a service authorized by this chapter.

(b) The nonprofit corporation:

(1) has each power of and is considered to be a local government corporation created under Subchapter D, Chapter 431, Transportation Code; and

1 (2) may implement any project and provide any service
2 authorized by this chapter.

3 (c) The board shall appoint the board of directors of the
4 nonprofit corporation. The board of directors of the nonprofit
5 corporation shall serve in the same manner as the board of directors
6 of a local government corporation created under Subchapter D,
7 Chapter 431, Transportation Code, except that a board member is not
8 required to reside in the district.

9 Sec. 3868.110. AGREEMENTS; GRANTS. (a) As provided by
10 Chapter 375, Local Government Code, the district may make an
11 agreement with or accept a gift, grant, or loan from any person.

12 (b) The implementation of a project is a governmental
13 function or service for the purposes of Chapter 791, Government
14 Code.

15 Sec. 3868.111. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
16 district may join and pay dues to a charitable or nonprofit
17 organization that performs a service or provides an activity
18 consistent with the furtherance of a district purpose.

19 Sec. 3868.112. ECONOMIC DEVELOPMENT. (a) The district may
20 engage in activities that accomplish the economic development
21 purposes of the district.

22 (b) The district may establish and provide for the
23 administration of one or more programs to promote state or local
24 economic development and to stimulate business and commercial
25 activity in the district, including programs to:

26 (1) make loans and grants of public money; and

27 (2) provide district personnel and services.

1 (c) The district may create economic development programs
2 and exercise the economic development powers that:

3 (1) Chapter 380, Local Government Code, provides to a
4 municipality; and

5 (2) Subchapter A, Chapter 1509, Government Code,
6 provides to a municipality.

7 Sec. 3868.113. ADDING OR REMOVING TERRITORY. As provided
8 by Subchapter J, Chapter 49, Water Code, the board may add territory
9 to the district, subject to Section 54.016, Water Code, or remove
10 territory from the district, except that:

11 (1) the addition or removal of the territory must be
12 approved by:

13 (A) the governing body of the town; and

14 (B) the owners of the territory being added or
15 removed; and

16 (2) territory may not be removed from the district if
17 bonds or other obligations of the district payable wholly or partly
18 from assessments levied or assessed on the territory are
19 outstanding.

20 Sec. 3868.114. NO EMINENT DOMAIN POWER. The district may
21 not exercise the power of eminent domain.

22 Sec. 3868.115. NO AD VALOREM TAX. The district may not
23 impose an ad valorem tax.

24 Sec. 3868.116. NO TOLL ROADS. The district may not
25 construct, acquire, maintain, or operate a toll road.

26 [Sections 3868.117-3868.150 reserved for expansion]

SUBCHAPTER C-1. IMPROVEMENT PROJECTS AND SERVICES

Sec. 3868.151. IMPROVEMENT PROJECTS AND SERVICES. The district may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service using money available to the district, or contract with a governmental or private entity to provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or Chapter 375, Local Government Code.

Sec. 3868.152. BOARD DETERMINATION REQUIRED. The district may not undertake an improvement project unless the board determines the project:

(1) is necessary to accomplish a public purpose of the district; and

(2) complies with the development agreement or the parties to the development agreement agree to the project, in writing.

Sec. 3868.153. LOCATION OF IMPROVEMENT PROJECT. An improvement project may be inside or outside the district.

Sec. 3868.154. TOWN REQUIREMENTS. (a) An improvement project in the town must comply with any applicable requirements of the town, including codes and ordinances, that are consistent with the development agreement.

(b) The district may not provide, conduct, or authorize any improvement project on the town's streets, highways, rights-of-way, or easements without the consent of the governing body of the town.

1 Sec. 3868.155. IMPROVEMENT PROJECT AND SERVICE IN DEFINABLE
2 AREA. The district may undertake an improvement project or service
3 that confers a special benefit on a definable area in the district
4 and levy and collect a special assessment on benefited property in
5 the district in accordance with:

6 (1) Chapter 372, Local Government Code; or

7 (2) Chapter 375, Local Government Code.

8 Sec. 3868.156. CONTRACTS. A contract to design, construct,
9 acquire, improve, relocate, operate, maintain, or finance an
10 improvement project is considered a contract for a good or service
11 under Subchapter I, Chapter 271, Local Government Code.

12 [Sections 3868.157-3868.200 reserved for expansion]

13 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

14 Sec. 3868.201. BORROWING MONEY; OBLIGATIONS. (a) The
15 district may borrow money for a district purpose by issuing bonds,
16 notes, time warrants, or other obligations, or by entering into a
17 contract payable wholly or partly from an assessment, a contract
18 payment, a grant, revenue from a zone created under Chapter 311 or
19 312, Tax Code, other district revenue, or a combination of these
20 sources.

21 (b) An obligation described by Subsection (a):

22 (1) may bear interest at a rate determined by the
23 board; and

24 (2) may include a term or condition as determined by
25 the board.

26 Sec. 3868.202. DEVELOPMENT AGREEMENT. Before the district
27 borrow money or issues an obligation under Section 3868.201, the

town must provide written notice to the district that no party to the development agreement is in default as of the date the district is authorized to borrow the money or enter the obligation.

Sec. 3868.203. ASSESSMENTS. The district may impose an assessment on property in the district to pay for an obligation described by Section 3868.201 in the manner provided for:

(1) a district under Subchapters A, E, and F, Chapter 375, Local Government Code; or

(2) a municipality or county under Subchapter A, Chapter 372, Local Government Code.

Sec. 3868.204. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of the district's money.

Sec. 3868.205. RESIDENTIAL PROPERTY NOT EXEMPT. Section 375.161, Local Government Code, does not apply to the district.

[Sections 3868.206-3868.250 reserved for expansion]

SUBCHAPTER E. DISSOLUTION

Sec. 3868.251. DISSOLUTION BY TOWN ORDINANCE. (a) The town may dissolve the district by ordinance.

(b) The town may not dissolve the district until:

(1) the district's outstanding indebtedness or contractual obligations have been repaid or discharged; or

(2) the town agrees to succeed to the rights and obligations of the district.

(c) The town may not dissolve the district until:

(1) each party to the development agreement fulfills

1 the party's obligations under the agreement; and

2 (2) the district fulfills the district's obligation to
3 pay or reimburse a developer or owner for the costs of improvement
4 projects and services undertaken by the district.

5 Sec. 3868.252. COLLECTION OF ASSESSMENTS AND OTHER REVENUE.

6 (a) If the dissolved district has bonds or other obligations
7 outstanding secured by and payable from assessments or other
8 revenue, the town succeeds to the rights and obligations of the
9 district regarding enforcement and collection of the assessments or
10 other revenue.

11 (b) The town shall have and exercise all district powers to
12 enforce and collect the assessments or other revenue to pay:

13 (1) the bonds or other obligations when due and
14 payable according to their terms; or

15 (2) special revenue or assessment bonds or other
16 obligations issued by the town to refund the outstanding bonds or
17 obligations of the district.

18 Sec. 3868.253. ASSUMPTION OF ASSETS AND LIABILITIES. (a)
19 After the town dissolves the district, the town assumes the
20 obligations of the district, including any bonds or other
21 indebtedness payable from assessments or other district revenue.

22 (b) If the town dissolves the district, the board shall
23 transfer ownership of all district property to the town.

24 SECTION 2. The Valencia Municipal Management District No. 1
25 initially includes all territory contained in the following area:
26 Being a 448.005 acre tract of land situated in the S. Guarrara
27 Survey, Abstract No. 456 and the T. Rodriguez Survey, Abstract No.

1 1068, and the A. Cooper Survey, Abstract No. 250, in Denton County,
2 Texas, and being all of a called 448.136 acre tract of land conveyed
3 to Sassanid Arcady Holdings, L.P., by deed recorded in Document
4 Number 2006-326, Real Property Records, Denton County, Texas. Said
5 448.005 acre tract, with bearing basis being Grid North, Texas
6 State Plane Coordinates, North Central Zone, NAD83. Being more
7 particularly described by metes and bounds as follows:

8 Beginning at a Corps of Engineers monument stamped "J-818-1/1"
9 (TXNC-4202, N-7125809.07083, E-235639.61099, grid coordinates)
10 found for the northeast corner of aforesaid 448.136 acre tract and
11 being on the west line of a called 34.4606 acre tract of land
12 conveyed to David J. Kirch by deed recorded in Volume 3060, Page
13 706, Denton County, Texas;

14 Thence South 00 degrees 17 minutes 50 seconds West, along the east
15 line of aforesaid 448.136 acre tract and the common west lines of a
16 aforesaid 34.4606 acre tract and a called 123.243 acre tract of land
17 conveyed to Thomas James George and Robert Joseph George by deed
18 recorded in Volume 853, Page 138, Deed Records, Denton County,
19 Texas, a Distance of 2121.00 feet to a point for corner;

20 Thence South 01 degrees 54 minutes 55 seconds West, continuing
21 along the east line of aforesaid 448.136 acre tract and the common
22 west lines of aforesaid 123.243 acre tract, a distance of 616.18
23 feet to a Corps of Engineers concrete monument with a brass disc
24 stamped "J-819-9" (disturbed) found for the southwest corner of
25 said 123.243 acre tract;

26 Thence along the common property lines of aforesaid 448.136 acre
27 tract and Garza-Little Elm Reservoir (Lake Lewisville) the

1 following courses and distances:

2 South 05 degrees 05 minutes 39 seconds West, a distance of
3 973.12 feet to a Corps of Engineers concrete monument with a
4 brass disc stamped "J-819-7B" found for corner;
5 South 05 degrees 47 minutes 18 seconds West, a distance of
6 188.48 feet to a Corps of Engineers metal fence corner post
7 stamped "JP-5A" found for corner;
8 South 89 degrees 33 minutes 02 seconds West, a distance of
9 201.77 feet to a Corps of Engineers metal fence corner post
10 stamped "JP-5J" found for corner;
11 South 01 degrees 10 minutes 59 seconds East, a distance of
12 197.53 feet to a Corps of Engineers metal fence corner post
13 stamped "JP-5K" found for corner;
14 South 59 degrees 49 minutes 02 seconds west, a distance of
15 157.90 feet to a Corps of Engineers metal fence corner post
16 stamped "JP-5L" found for corner;
17 North 53 degrees 19 minutes 52 seconds West, a distance of
18 309.93 feet to a Corps of Engineers metal fence corner post
19 stamped "JP-5M" found for corner;
20 South 66 degrees 04 minutes 16 seconds West, a distance of
21 446.47 feet to a Corps of Engineers metal fence corner post
22 stamped "JP-5C" found for corner;
23 North 89 degrees 51 minutes 07 seconds West, a distance of
24 730.36 feet to a Corps of Engineers metal fence corner post
25 stamped "JP-5D" found for corner;
26 South 62 degrees 27 minutes 46 seconds West, a distance of
27 369.89 feet to a Corps of Engineers metal fence corner post

1 stamped "JP-5E" found for corner;
2 North 30 degrees 01 minutes 04 seconds West, a distance of
3 182.06 feet to a Corps of Engineers metal fence corner post
4 stamped "JP-5F" found for corner;
5 North 77 degrees 59 minutes 54 seconds West, a distance of
6 203.73 feet to a Corps of Engineers metal fence corner post
7 stamped "JP-5G" found for corner;
8 South 67 degrees 53 minutes 42 seconds West, a distance of
9 253.97 feet to a Corps of Engineers concrete monument with a
10 brass disc stamped "J-809-2-3" found for corner;
11 South 85 degrees 20 minutes 33 seconds, West, a distance of
12 1000.06 feet to a Corps of Engineers concrete monument with a
13 brass disc stamped "J-809-2-2" found for corner;
14 South 60 degrees 03 minutes 52 seconds West, a distance of
15 742.15 feet to a Corps of Engineers concrete monument with a
16 brass disc stamped "J-809-2-1" found for corner;
17 Thence North 88 degrees 47 minutes 14 seconds West, a distance of
18 900.19 feet to a 1/2" iron rod found for a northwest corner of a
19 tract of land conveyed to Robert Sparks by deed recorded in Volume
20 820, Page 541, Deed Records, Denton County, Texas;
21 Thence South 25 degrees 56 minutes 04 seconds West, along the west
22 line of aforesaid Robert Sparks Tract, a distance of 400.69 feet to
23 a point for the southwest corner of said Robert Sparks Tract and
24 being the northwest corner of The Shores at Lake Lewisville, an
25 Addition to Denton County, Texas by plat recorded in Cabinet I.,
26 Page 386, Plat Records, Denton County, Texas;
27 Thence South 25 degrees 47 minutes 13 seconds West, along the west

1 line of aforesaid The Shores at Lake Lewisville, a distance of
2 678.25 feet to a point for the southwest corner of the said Shores
3 at Lake Lewisville and being the northwest corner of a called 2.4796
4 acre tract of land conveyed to Robert Eric Seitz and Wife, Christy
5 L. Seitz by deed recorded in County Clerk's File No. 2001-R0084339,
6 Real Property Records, Denton County, Texas;
7 Thence South 26 degrees 32 minutes 44 seconds West, along the west
8 line of aforesaid 2.4796 acre tract, a distance of 163.19 feet to a
9 3/4 inch iron rod found for the southwest corner of said 2.4796 acre
10 tract and being the northeast corner of a tract of land conveyed to
11 Clifford E. Burgert and wife, Norma J. Burgert by deed recorded in
12 Volume 603, page 591, Deed Records, Denton County, Texas;
13 Thence North 53 degrees 24 minutes 02 seconds West, along the
14 northeast line of aforesaid Burgert Tract, a distance of 613.52
15 feet to a point for corner;
16 Thence South 00 degrees 14 minutes 27 seconds West, along the west
17 line of aforesaid Burgert Tract, a distance of 1204.38 feet to a
18 point for the southwest corner of said Burgert Tract;
19 Thence along the common property lines of aforesaid 448.136 acre
20 tract and Garza-Little Elm Reservoir (Lake Lewisville) the
21 following courses and distances:
22 South 88 degrees 47 minutes 31 seconds West, a distance of
23 852.62 feet to a Corps of Engineers concrete monument with a
24 brass disc stamped "H-723-1A" found for corner;
25 South 01 degrees 35 minutes 41 seconds West, a distance of
26 224.05 feet to a 1/2" iron rod found for corner;
27 South 41 degrees 04 minutes 06 seconds West, a distance of

1034.72 feet to a 1/2" iron rod found for corner;
South 31 degrees 38 minutes 08 seconds East, a distance of
43.78 feet to a Corps of Engineers concrete monument with a
brass disc stamped "H-725-6" found for corner;
South 67 degrees 00 minutes 25 seconds West, a distance of
339.76 feet to a Corps of Engineers concrete monument with a
brass disc stamped "H-725-5" found for corner;
North 03 degrees 41 minutes 10 seconds East, a distance of
799.90 feet to a Corps of Engineers concrete monument with a
brass disc stamped "H-725-4" found for corner;
North 54 degrees 21 minutes 53 seconds West, a distance of
880.37 feet to a Corps of Engineers concrete monument with a
brass disc stamped "H-725-3" (TXNC-4202, N-7119284.86086,
E-2447700.74262, Grid Coordinates) found for corner;
North 43 degrees 52 minutes 25 seconds East, passing at a
distance 470.45 feet a Corps of Engineers concrete monument
with a brass disc stamped "H-725-2B" found for witness,
continuing a total distance of 1470.92 feet to a point for
corner;
North 00 degrees 16 minutes 40 seconds East, a distance of
841.00 feet to a Corps of Engineers concrete monument with a
brass disc stamped "H-725-1" found for corner;
South 89 degrees 24 minutes 13 seconds East, a distance of
124.81 feet to a Corps of Engineers concrete monument with a
brass disc stamped "J-802-1" found for corner;
North 11 degrees 07 minutes 21 seconds East, a distance of
189.76 feet to a Corps of Engineers concrete monument with a

1 brass disc stamped "J-802-1A" found for corner;
2 North 11 degrees 09 minutes 34 seconds East, a distance of
3 1139.40 feet to a Corps of Engineers concrete monument with a
4 brass disc stamped "J-802-1B" found for corner;
5 North 11 degrees 07 minutes 01 seconds East, a distance of
6 206.42 feet to a Corps of Engineers concrete monument with a
7 brass disc stamped "J-802-2" found for corner;
8 South 67 degrees 02 minutes 47 seconds East, a distance of
9 300.01 feet to a 1/2" iron rod found for corner;
10 North 74 degrees 49 minutes 11 seconds East, a distance of
11 490.87 feet to a Corps of Engineers concrete monument with a
12 brass disc stamped "J-807-1/1" found for corner;
13 South 61 degrees 15 minutes 26 seconds East, a distance of
14 373.27 feet to a Corps of Engineers concrete monument with a
15 brass disc stamped "J-807-1/2" found for corner;
16 South 26 degrees 49 minutes 05 seconds East, a distance of
17 699.90 feet to a 1/2: iron rod found for corner;
18 South 81 degrees 28 minutes 29 seconds East, a distance of
19 666.26 feet to a point for corner;
20 North 66 degrees 13 minute 24 seconds East, a distance of
21 1797.71 feet to a Corps of Engineers concrete monument with a
22 brass disc stamped "J-809-1/ 2" found for corner;
23 North 41 degrees 17 minutes 12 seconds East, a distance of
24 667.01 feet to a Corps of Engineers concrete monument with a
25 brass disc stamped "J-809-1/3" found for corner;
26 North 31 degrees 23 minutes 34 seconds East, a distance of
27 700,27 feet to a Corps of Engineers concrete monument with a

1 brass disc stamped "J-809-1/4" found for corner;
2 North 63 degrees 23 minutes 49 seconds East, a distance of
3 273.07 feet to a Corps of Engineers concrete monument with a
4 brass disc stamped "J-840-1" found for corner;
5 South 89 degrees 29 minutes 46 seconds East, a distance of
6 229.83 feet to a point for corner;
7 North 38 degrees 34 minutes 35 seconds East, a distance of
8 1360.52 feet to a Corps of Engineers concrete monument with a
9 brass disc stamped "J-812-1" found for corner;
10 North 80 degrees 39 minutes 19 seconds East, a distance of
11 243.94 feet to a Corps of Engineers concrete monument with a
12 brass disc stamped "J-812-3" found for corner;
13 North 59 degrees 22 minutes 33 seconds East, a distance of
14 168.45 feet to a Corps of Engineers concrete monument with a
15 brass disc stamped "J-812-4" found for corner;
16 North 44 degrees 29 minutes 05 seconds East, a distance of
17 399.34 feet to a 1/2" iron rod found for corner;
18 North 28 degrees 23 minutes 26 seconds East, a distance of
19 199.91 feet to a Corps of Engineers concrete monument with a
20 brass disc stamped "J-812-6" found for corner;
21 North 49 degrees 33 minutes 37 seconds East, a distance of
22 500.13 feet to a Corps of Engineers concrete monument with a
23 brass disc stamped "J-812-7" found for corner;
24 North 77 degrees 57 minutes 14 seconds East, a distance of
25 439.11 feet to the POINT OF BEGINNING, and containing 448.005
26 acres of land, more or less.

27 SECTION 3. (a) The legal notice of the intention to

1 introduce this Act, setting forth the general substance of this
2 Act, has been published as provided by law, and the notice and a
3 copy of this Act have been furnished to all persons, agencies,
4 officials, or entities to which they are required to be furnished
5 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
6 Government Code.

7 (b) The governor, one of the required recipients, has
8 submitted the notice and Act to the Texas Commission on
9 Environmental Quality.

10 (c) The Texas Commission on Environmental Quality has filed
11 its recommendations relating to this Act with the governor,
12 lieutenant governor, and speaker of the house of representatives
13 within the required time.

14 (d) All requirements of the constitution and laws of this
15 state and the rules and procedures of the legislature with respect
16 to the notice, introduction, and passage of this Act have been
17 fulfilled and accomplished.

18 SECTION 4. This Act takes effect September 1, 2011.

H.B. No. 3819

David Newkirk

President of the Senate

Joe Straus

Speaker of the House

I certify that H.B. No. 3819 was passed by the House on May 3, 2011, by the following vote: Yeas 144, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3819 on May 26, 2011, by the following vote: Yeas 146, Nays 0, 1 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 3819 was passed by the Senate, with amendments, on May 24, 2011, by the following vote: Yeas 31, Nays 0.

Ratsy Spaw

Secretary of the Senate

APPROVED: 17 JUN '11

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

4pm O'CLOCK

JUN 17 2011

Debra Ralston

Secretary of State